

AFFIDAVIT OF THOMAS E. UNDERWOOD

STATE OF MICHIGAN

COUNTY OF OAKLAND

1. My name is Thomas E. Underwood, and the facts asserted herein are based on my own personal knowledge.

2. I proffer this Affidavit in support of my Motion for Class Certification in Underwood v. Carpenters Pension Trust Fund - Detroit and Vicinity Pension Plan (“Plan”), No. 2:13-cv-14464 (Hon. Lawrence P. Zatkoff, Senior U.S. District Judge) [“the Underwood Class Action”].

3. All Exhibits referenced in this Affidavit are to the Exhibits proffered with my Motion for Class Certification.

4. On August 21, 2013, I submitted my Claim to the administrators of the Plan (as identified in a Summary Plan Description for the Plan), along with all documents referenced in my Claim. See Claim (PX8) (noting the inclusion of the documents).

5. On or about September 5, 2013, I received a letter from the Plan’s attorney, dated September 3, 2013, advising that my Claim had been denied. See Initial Denial (PX9).

6. On September 9, 2013, I appealed the denial. See Appeal (PX10).

7. Approximately five weeks later, I received a letter from the “Pension Supervisor” for the Plan, dated October 17, 2013, advising that my Claim had again been denied and that I could sue the Plan. See Final Denial (PX11).

8. Therefore, I have exhausted the Plan’s administrative remedies and any further efforts to utilize the Plan’s administrative remedies would be futile.

9. Prior to my utilization of the Plan’s administrative remedies, I requested from the administrators for the Plan (or their agents) all of the documents referenced in my Claim and Appeal.

10. After receiving those documents, I carefully reviewed them.

11. I have had regular communications about this case with Eva Cantarella (“Cantarella”) who, along with Bradley J. Schram and Robert P. Geller, is representing me and the other putative Class members as to my Claim.

12. Cantarella and I have also discussed the potential advantages and disadvantages of prosecuting my Claim as a class action rather than individually.

13. I have read the Complaint, defendants’ motion to dismiss and brief in support, plaintiff’s brief opposing defendants’ motion to dismiss, plaintiff’s motion for summary judgment, and plaintiff’s motion for class certification and brief in support.

14. Given the foregoing, I believe I have a good understanding of my Claim.

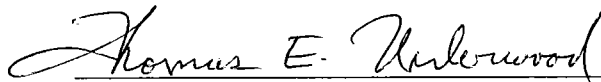
15. I intend to zealously advocate for my Claim, not just for myself, but for all members of the putative Class delineated at paragraph 81 of the Complaint and in my Motion for Class Certification who are:

All persons who commenced their Disability Retirement Benefit ("DRB") on or after 9/1/2008 and who were receiving their DRB on 8/1/2013.

16. In fact, I have helped to locate other individuals who have had their DRB reduced pursuant to the Reduction Amendment; and I have forwarded this information to Cantarella who, I understand, is maintaining spreadsheet listing all putative Class members we have been able to identify so far.

17. Based on my many conversations with Cantarella, several other members of the putative Class offered to serve as the Class representative, but Cantarella and her partners Bradley J. Schram and Robert P. Geller chose me to serve in that capacity because they believed I was the most adequate representative.

Signed February 3, 2014.



Thomas E. Underwood